

REGULAR BOARD MEETING of January 21, 2004, with Mayor Buck Trott and Commissioners Amy Patterson, Hank Ross, H. N. James, Dennis DeWolf, and Alan Marsh present.

Also present were Richard Betz, Lamar Nix, Larry Gantenbein, Ryan Chambers, Kim Lewicki, Jim Lewicki, Manuel de Juan, Caroline Rollader, Steve Pierson, Eric Pierson, Ginger Slaughter, John Dotson, Jack Bournemann, Greg Hall, Bronce Pesterfield, Scott Cole, and others.

I. Call to Order.

The Mayor called the meeting to order at 7:00 p.m.

II. Approval of Agenda.

Copies of the agenda had been distributed by mail. The Clerk reported that he had been requested to remove an item of New Business, discussion of the 1:1 ratio requirement in the Zoning Ordinance.

MOVED BY COMM. PATTERSON, SECONDED BY COMM. MARSH, AND UNANIMOUSLY CARRIED TO APPROVE THE AGENDA AS AMENDED.

III. Approval of Minutes.

Copies of the minutes of the January 7 Regular Board Meeting were distributed by mail. The Mayor noted some corrections in the list of those present at the meeting.

MOVED BY COMM. DEWOLF, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO APPROVE THE MINUTES AS CORRECTED.

IV. Reports.

1. The Mayor reported that the County Commissioners had asked for an informal joint meeting between that Board and the Boards of Highlands and Franklin; possible dates of February 2 and 5 were identified, and the Clerk agreed to forward these options to the County and let each Board member and the Press know which day would be preferable.

2. The Town Administrator reported that no decision had been released by the State Court of Appeals on the Bowery Road case as of the previous day. He also distributed copies of the Highlands Playhouse Lease revised by the Town Attorney; the Board agreed to review the lease and discuss it under Old Business at the next meeting. He also reported that Neo Corporation had provided an estimate of \$17,000 to apply poly urea coating to a concrete water storage tank at the Water Treatment Plant; there were adequate funds in that Department's budget for the expense. Town Engineer Lamar Nix explained that the work needed to be done eventually and this was the right time of year to do it due to the need to take the tank out of operation; the Public Water Supply Section would have to approve the work. Mr. Betz also reported that Zoning Administrator Larry Gantenbein had a brief report on removal of silt from streams, as discussed at a previous meeting. Mr. Gantenbein reported that the State had approved removal of silt under his supervision manually with shovels, and he was working on a silt removal permit form; the primary use would be remediation in instances where there had been

siltation due to violation of the Soil Erosion Ordinance.

V. Old Business.

1. It was reported that the Public Works Department had met and discussed a proposal to provide valet parking at the Old Edwards Inn on Main Street, as discussed at the previous meeting. Town Engineer Lamar Nix read a letter which the Committee had asked him to draft, requesting information on how many spaces and what locations would be designated for the valet parking, as well as for guests and employees at all of the Old Edwards Inn projects. Manuel de Juan had provided that information in a letter dated January 20 and a chart listing all employees. There would be 33 valet parking spaces provided at the former Rib Country property, a total of 83 guests at all of the properties, and a total of approximately 150 employees distributed during three shifts; the employees would be conveyed by a shuttle as much as possible from the Sassafras Gap Campground on US-28. The Town Administrator said that he understood an updated plan of the former Rib Country property was being prepared and would be submitted for approval soon. Comm. James suggested that the Committee review the information again when that plan was received, and the Board agreed by consensus.

2. Greg Hall presented several drawings, mockups, and photographs of the Jerry Pair property on the corner of Spring Street and Second Street with respect to a discussion at the November 5 and November 19 meetings concerning location of the sidewalk required under the Master Sidewalk Plan; the Public Works Committee had met with Mr. Hall and reviewed the plans. Mr. Hall said that the Sidewalk Plan called for a sidewalk to be constructed on Spring Street but not on Second Street. He submitted a proposal identified as "A" which indicated the required nine spaces split between the two streets, three on Spring and six on Second; the sidewalk on Spring would be located along the margin of the road, except for the portion behind the three spaces at the eastern-most end of the property and at the intersection, due to the desire to avoid excavation of a bank and removal of several trees along Spring Street. Two other alternatives provided no spaces on Spring and eight on Second, and nine 90-degree spaces on Second. All of the sidewalks showed encroachment of two feet into private property, consistent with the six-foot sidewalk east of there along Spring Street.

The Board discussed the proposal at some length. Comm. James felt the sidewalk should be constructed at the right-of-way line and at street level per Town policy, with all of the spaces provided along Spring Street; he pointed out that the spaces along Second Street could be provided by the Town at a later date. Comm. Patterson expressed some concern over adequate space for longer vehicles parked on Spring Street since the centerline of the road was not in the center of the right-of-way; she felt there was no reason to remove the bank on Spring Street at this time if the spaces were being provided on Second Street, and she commented that there was sometimes a problem with "one size fits all" rules. Comm. DeWolf pointed out that the Town could always come back later and remove the bank if it needed more parking. The Mayor asked the Town Engineer for his opinion; Mr. Nix said he felt the Town should stick to the existing policy of placing the sidewalk at the right-of-way line and street level.

Mr. Hall also noted that the two buildings on the site were set back to preserve trees, including a ten-foot setback along the north side on Church Street rather than the zero-setback permitted by the Ordinance. Town Administrator Betz said he thought the setback in

B-3 would be 25 feet from the right-of-way, not zero or ten; Comm. James agreed. Larry Gantenbein said that a provision in the Ordinance provided for zero setback from service alleys, and the Zoning Board had approved the Special Use Permit on that basis; the same issue had been avoided by the Zoning Board for the Reeves Hardware project due to granting of a variance. Comm. James felt that this section of the Ordinance should be reviewed; he thought it was intended to address private alleys like that behind Carolina Square, not public streets.

MOVED BY COMM. ROSS, SECONDED BY COMM. PATTERSON, AND CARRIED TO APPROVE PROPOSAL "A" AS OUTLINED ABOVE. Comms. Ross, Patterson, Marsh, and DeWolf voted "aye;" Comm. James voted "nay."

VI. New Business.

1. Scott Cole was present and explained that he had purchased Satulah Park, a 1.95-acre parcel west of Nick's on US-28 which was zoned B-3. He said that the B-3 designation included intensive uses like hotels and motels, and a previous plan called for motel units, but he did not think the area warranted that type of development. He felt that the property should be developed residentially as a transition piece, and pointed out that it was large enough to permit 14 single-family lots at the 6000 SF density in the B-3 district. He distributed drawings prepared by Bronce Pesterfield showing a 12-lot single-family subdivision, compared to a 12-unit multi-family development, which would provide more green area. He asked the Board to consider permitting such a development in the B-3 District.

The Mayor asked the Town Administrator what would be involved in such a change; it was explained that multi-family was only permitted in R-3 at a density of four per acre, although "incidental apartments" to business uses were permitted in B-3 at a density of 6000 SF. The change would consist of an amendment to the Zoning Ordinance permitting multi-family units in B-3 at the 6000 SF density; such an amendment would have to be sent to the Planning Board for recommendation and then to public hearing. Mr. Cole also agreed to discuss the clustering exception to lot size in the Subdivision Ordinance with the Zoning Administrator.

Comm. Patterson said that she preferred the clustered option to the single-family option. Comm. DeWolf agreed; he said the proposal would respect the land more. Comm. Marsh agreed. By consensus, the Board agreed for Town staff to draft language and send the proposal to the Planning Board for a recommendation.

2. Each Board member had received a copy of a letter dated November 25 from Holly L. Miller and Roberta A. Raass, the owners of "The Cottages at Lakeside," requesting that the Town accept dedication of Stonebridge Lane. The Town Engineer reported that the road met Town subdivision specifications, although it had a "T-type" cul-de-sac. Comm. James felt that the engineer for the subdivision, Bronce Pesterfield, should certify that the road was constructed to Town specifications, and that the owners should warrant it for two years; Mr. Pesterfield was present and agreed to write a letter certifying compliance with specifications.

MOVED BY COMM. PATTERSON, SECONDED BY COMM. MARSH, AND UNANIMOUSLY CARRIED TO ACCEPT THE DEDICATION OF STONEBRIDGE LANE, CONTINGENT ON CERTIFICATION BY THE ENGINEER THAT IT WAS CONSTRUCTED TO TOWN SPECIFICATIONS, PREPARATION OF A DEED OF CONVEYANCE, AND UNDERSTANDING THAT ANY MAINTENANCE REQUIRED DURING THE FIRST TWO YEARS FOLLOWING ACCEPTANCE BE PAID FOR BY THE OWNERS RATHER THAN BY

THE TOWN.

3. Each Board member had received a letter dated January 20 from McGill Associates, tabulating bids received for the Hospital Water Line project the previous day at 10:00 a.m. as follows:

Stillwell Enterprises Inc.....	\$1,018,657
Buncombe Construction Co. Inc.....	1,086,300

The Town Administrator reported that both bids were under budget; however, contracts had not yet been executed with the EPA or the NC Rural Center, and although verbal confirmation of the funding had been received, the contract could not be awarded without all funding officially secured. McGill had recommended awarding the contract contingent on execution of those contracts.

MOVED BY COMM. JAMES, SECONDED BY COMM. DEWOLF, AND UNANIMOUSLY CARRIED TO AWARD THE CONTRACT TO THE LOW BIDDER, STILLWELL ENTERPRISES, CONTINGENT ON EXECUTION OF CONTRACTS WITH THE EPA AND THE N. C. RURAL CENTER.

4. MOVED BY COMM. PATTERSON, SECONDED BY COMM. JAMES, AND UNANIMOUSLY CARRIED TO NOMINATE ALAN MARSH TO THE MACON COUNTY PLANNING BOARD.

5. Caroline Rollader, architect for Summerour & Associates, was present to discuss a proposal for re-combining two pieces of property for the Old Edwards Inn project, the former Kelsey & Hutchinson Lodge property and the Chen property formerly known as Dunfergots on the corner of Church and Fourth Street. The Chen property was not in compliance with the 1:1 ratio requirement of the Zoning Ordinance, and a lawsuit several years ago had resulted in the portion of the L-shaped property on Church Street remaining vacant to compensate for the two-story building on Fourth Street. She distributed copies of several sketches outlining a proposal to re-combine the two properties, adding enough of the Kelsey & Hutchinson lot to the Chen lot in order to bring the two-story building into compliance and also permit construction of a building on the portion along Church Street; the Chen property was zoned B-1, requiring no setback or parking. Preliminary plans called for construction of a theater on the upper level, with basement storage on the Church Street level. Deputy Zoning Administrator Richard Betz confirmed that the Subdivision Ordinance, like the General Statutes, exempted "the combination or recombination of portions of previously subdivided and recorded lots" from the Town's regulations, and it was not reviewed by any Board; all that was required was preparation of a plat and signature of the Zoning Administrator before it could be recorded. Ms. Rollader said that the architects were conducting their due diligence before purchasing the property and wanted to be sure there would not be a concern with the B-1 zoning down the road. The Board offered no objection to the proposal.

Bronce Pesterfield commented on the valet parking discussion earlier in the meeting. He said he wanted to be sure that the Public Works Committee understood that the Old Edwards Inn was not required to provide any parking at all because it was in the B-1 District; the owners were willing to provide parking, however, but wanted the ability to provide the valet operation on Main Street.

6. The Town Administrator reported that the Wireless Communications Consulting, Marketing, and Management Agreement between the Town and MetroSite Management LLC had been in effect for

five years and was scheduled to expire on February 3. He said that MetroSite had prepared contracts for the five lessees who rented Town sites and collected about \$5400 annually in revenues each year, retaining one-third as its fee; it also marketed the Town's sites and provided professional expertise, which most recently had included a technical review of a recent application for a cell tower before the Zoning Board. He also said that he had asked for more information from MetroSite in order to determine if a fee discount schedule would reduce the fee to 30%, pursuant to the number of North Carolina clients represented, but he had not yet received the information. He recommended renewing the lease.

MOVED BY COMM. PATTERSON, SECONDED BY COMM. MARSH, AND UNANIMOUSLY CARRIED TO EXTEND THE FOREGOING AGREEMENT FOR AN ADDITIONAL FIVE-YEAR TERM.

7. Comm. Alan Marsh had requested a discussion of the Town's clearance requirements for cable television lines attached to Town poles; he felt that, unless the clearance between new cables and Town power lines was 52" instead of the required 40", the Town would never have competition from another cable company. Comm. James said he felt that would not be fair to Northland; if their cables were in compliance with the 40" clearance, it should be the new company that should have to pay for making changes. Town Engineer Lamar Nix said that the Town could only require 40" under the National Electric Safety Code; if a clearance greater than that was required, he thought the Town would be expected to pay the cost. Comm. Ross said he didn't know why the Town could not create a "place-holder" for another franchise, provided there was no cost involved; in many areas, new cable could meet the 52" clearance at no additional cost. Comm. DeWolf agreed.

MOVED BY COMM. JAMES, SECONDED BY COMM. ROSS, AND UNANIMOUSLY CARRIED TO NOTIFY BOTH NORTHLAND CABLE AND VERIZON THAT ALL NEW CABLE ATTACHED TO TOWN POLES MUST COMPLY WITH THE NATIONAL ELECTRIC SAFETY CODE, AND IN ADDITION, WHERE FEASIBLE WITHOUT ADDITIONAL COST, THE REQUIRED CLEARANCE SHOULD BE 52" TO TOWN POWER LINES.

VII. MOVED BY COMM. MARSH, SECONDED BY COMM. PATTERSON, AND UNANIMOUSLY CARRIED TO ADJOURN.

There being no further business to come before the Board, the meeting was declared adjourned by the Mayor at 8:50 p.m.

Richard Betz, Town Clerk